

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

FLOYD PATTERSON, JR.,
as Special Administrator
of the Estate of FLOYD
PATTERSON, III,
deceased, Plaintiff,

vs.

TERRY FREEMAN, in his
official capacity,
et al., Defendants.

Case 20-CV-040-RAW

DEPOSITION OF
TONIA WATSON

DATE: SEPTEMBER 9, 2021

REPORTER: MARISA SPALDING, CSR, RPR

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1 close that gate. And then you open our
2 garage door, and you close it. And then
3 you open and close the back gate. And
4 you're also taking calls from the inmates
5 that they ask -- they want to know when
6 their next court date is or their CIN
7 number is not working.

8 Q What is your -- do you have a
9 written job description?

10 A Main control.

11 Q As -- as -- right. In main
12 control, do you have a written job
13 description that tells you what your
14 responsibilities are?

15 A Yeah, it's to take care of the
16 inmates, to watch the cameras, to -- it --
17 it requires me to feed if they need me to
18 feed.

19 Q Okay.

20 A If they need me to --

21 Q And what -- let me just break that
22 down. You watch all of the cameras in the
23 facility, correct?

24 A Downstairs. If I'm on main
25 control, it's downstairs.

1 Q Okay.

2 A Of the inmates.

3 Q And the sheriff also had access to
4 the same video cameras in his office,
5 right?

6 A Right.

7 Q Okay. And the undersheriff as
8 well?

9 A I think so.

10 Q And you were required to watch and
11 monitor the cameras during your shift,
12 correct?

13 A Yes, sir, uh-huh.

14 Q And you would be asked to open
15 doors so that people could move about the
16 facility, correct?

17 A Uh-huh.

18 Q Yes?

19 A Yes.

20 Q You would have to listen to inmates
21 that wanted to know more specifics about
22 their court dates. They had access to call
23 you in main control?

24 A Yeah, there's a -- I have a little
25 speaker and a button here, and sometimes

1 not seen this document before?

2 A No, I have not.

3 Q All right. Take a minute to read
4 to yourself the bottom paragraph, if you
5 would, please.

6 MR. BEN KELLER: Can you see
7 okay?

8 THE WITNESS: Yes, I can see.
9 Okay.

10 Q (By Mr. Smolen) Have you had an
11 opportunity to that document?

12 A Yes, I read it.

13 Q Now you were working --

14 MS. DARK: Hey, Dan, I just
15 want to make sure you're on DDR 37, 3?

16 MR. SMOLEN: Yes, that's right.

17 MS. DARK: Okay.

18 MR. SMOLEN: The bottom
19 paragraph, Jessica.

20 MS. DARK: Okay, thanks.

21 Q (By Mr. Smolen) You were working
22 on June 17th of 2018; is that right?

23 A Yes, that's correct.

24 Q And your shift started about 7:00
25 a.m., correct?

1 A Yes.

2 Q So you had just come on shift
3 around the time Mr. Patterson was booked
4 into the facility, correct?

5 A Yes.

6 Q Do you recall watching the booking
7 process of Mr. Patterson?

8 A Off and on, because I was also
9 having to watch 70 something other inmates.

10 Q Were you advised as to why
11 Mr. Patterson was placed in Cell 113?

12 A No, I wasn't.

13 Q You were not?

14 A I was not. Not that I -- well, not
15 that I recall.

16 Q I want to go to the video from when
17 he's placed in the cell.

18 (Video playing)

19 Q Do you recognize the two
20 individuals -- the two officers here that
21 are in the scene?

22 A The one by the door in the glasses
23 is Jonathan Cobb. And the other one -- I
24 couldn't see his face.

25 MS. DARK: I can't hear

1 anything anymore.

2 MR. ARTUS: Okay. You can turn
3 it back the other way.

4 MR. ARTUS: Sorry.

5 MS. DARK: Thank you. Thanks
6 for trying.

7 Q (By Mr. Smolen) Is it common for
8 inmates to be placed in the cell unclothed?

9 A Does he not have something behind
10 his head like a blanket?

11 Q Ma'am, is it common for inmates to
12 be placed in this cell unclothed?

13 A No, no, never.

14 Q Okay.

15 A They bring a jumpsuit. They bring
16 -- now we can't make them get dressed but
17 --

18 Q How often --

19 A -- they bring them a jumpsuit.

20 Q How often are inmates held in a
21 cell that refuse to put on clothing? How
22 frequent is that?

23 A Not very frequently.

24 Q Okay. So it's an unusual
25 occurrence, agreed?

1 A Yeah.

2 Q Okay. And you're noticing that --
3 you're watching that in real time as it's
4 happening, correct?

5 A Right.

6 Q Did you document that anywhere?

7 A No.

8 Q Did you talk to any supervisors
9 about why this individual is in a cell
10 unclothed?

11 A No.

12 Q Did you inquire of anybody as to
13 what the condition of the inmate was in
14 prior to him being placed in the cell?

15 A That, I don't remember because a
16 lot of times I do ask why is this person
17 here and they will tell me.

18 Q Well, wouldn't that be it important
19 to know why someone is being put into a
20 medical cell or a detox cell?

21 A It would be. But if they're busy
22 or they have two more inmates to -- what do
23 you call it -- triage the questions -- I'm
24 not saying in this case, but in some cases
25 there's more than one inmate that's brought

1 A Yes, sir.

2 Q Okay.

3 (Video playing)

4 Q Here you were able -- you would
5 have been able to watch Mr. Patterson take
6 a drink of the water of the jug that was
7 provided to him; is that right?

8 A Uh-huh.

9 Q Yes?

10 A Yes.

11 Q Ma'am, when you saw Mr. Patterson
12 repeatedly vomit green bile?

13 A I didn't him throw it -- throw it
14 up.

15 Q Ma'am, you were watching this
16 continuously, correct?

17 A I'm watching 78 inmates
18 continuously and opening doors.

19 Q Okay.

20 A Well, here's --

21 Q No.

22 A Okay.

23 Q Were the other 78 inmates doing
24 what Mr. Patterson was doing?

25 A If I'm watching someone else or

1 taking a call, it can happen that quick --

2 Q Okay.

3 A -- and you miss something.

4 Q So you don't think that the jail is
5 adequately staffed with people in the main
6 control? You think that you needed more
7 people?

8 A No, you're trying to put words in
9 my mouth. I never said that.

10 Q But you're saying you had all these
11 other obligations?

12 A I had 78 inmates that day, and I
13 told you had to open sally ports.

14 Q It sounds like you're too busy to
15 watch Mr. Patterson?

16 A No, I'm watching 78 people and I'm
17 one person, so I'm doing the best I can.

18 Q Okay. Were -- were the other 78
19 inmates puking green bile in a medical
20 cell?

21 A No.

22 MR. ARTUS: Object to the form.

23 Q (By Mr. Smolen) Okay. They
24 weren't, right?

25 A Right.

1 Q Okay. And, certainly, you advised
2 somebody about what was going on?

3 A If I had seen it, I sure would
4 have.

5 Q Okay. Well, we know you were
6 required to monitor. That was a primary
7 job that you had, right?

8 A To monitor 78 inmates, yes.

9 Q Including Mr. Patterson?

10 A Including him. He makes 78.

11 Q And we see Mr. Patterson repeatedly
12 vomiting green bile, correct?

13 MR. ARTUS: Object to the form.

14 THE WITNESS: If I was opening
15 doors, watching a car go in, no. If I'm
16 watching maintenance go in three doors, it
17 just -- it could happen that quick.

18 Q (By Mr. Smolen) We just watched it
19 together?

20 A Yes, and he vomited very quick. If
21 I'm watching a policeman go in three doors
22 and letting them in or maintenance come in
23 three doors, it can happen that quick, or
24 answering a call, pushing a button, can I
25 help you, and you look back and you don't

1 oxygen?

2 A They didn't tell me that.

3 Q Okay. You don't call anyone until
4 right before he's pronounced dead, correct?

5 A No.

6 Q Well, when was Mr. Patterson
7 pronounced dead?

8 A I think it was at the hospital.

9 Q How do you know that?

10 A I was told.

11 Q Who told you?

12 A Somebody told me. I don't know.

13 It was three, four years ago, but somebody
14 told me.

15 Q Let's go back to this video. Let's
16 keep watching it for a minute.

17 (Video playing)

18 Q Missed -- you missed that one, too,
19 it sounds like? I mean, at this point,
20 he's puked four times and you didn't see
21 any of them; is that your testimony to the
22 jury?

23 A Yes, it is.

24 Q And you didn't notice that large
25 green puddle of vomit there on the floor?

1 A No, I didn't.

2 Q So you're telling the jury -- just
3 so I make sure we're clear -- you watched
4 this video for the next ten hours and never
5 noticed the -- the green vomit substance on
6 the floor?

7 A No, I didn't. And my screen is
8 this big compared to yours. This big for
9 78 inmates.

10 Q You think that the screen size was
11 inadequate --

12 A No.

13 Q -- for you to properly do your job?

14 A No, I do not.

15 Q Okay. Did you ever raise the issue
16 of the screen size with the sheriff's
17 office prior to Mr. Patterson's death?

18 A No.

19 Q Okay. You don't dispute if you
20 were watching the screen, you would have
21 seen him vomit, correct?

22 A Correct.

23 Q It's now been an hour and 15
24 minutes since Mr. Patterson was put into
25 that cell. Did you see anyone do a cell

1 Q You said, I was still concerned
2 about Mr. Patterson, and Valerie Vickrey
3 came over to look at the cameras. So why
4 were you concerned around 11:00 a.m. on the
5 -- with what you observed in Cell 114 if
6 you hadn't been that concerned about it
7 beforehand?

8 A I don't know.

9 Q You can't tell a jury why?

10 A No, I can't.

11 Q Okay. You have no recollection of
12 why all of a sudden you became concerned?

13 A No, not three years ago. I could
14 have been on break. I could have been
15 doing anything, you know.

16 Q After Mr. Gilley on him multiple
17 times, your note says you were still
18 concerned, correct?

19 A Right.

20 Q Why? If this is normal behavior,
21 why were you still concerned?

22 A I don't know. I just had a
23 feeling. I just had a feeling something is
24 not right.

25 Q It was your instincts that told

1 kept telling me, you know -- but it's even
2 on camera, I'm sure, on the audio, that --
3 well, there's two things that happened.
4 Something just kept gnawing on me. Maybe
5 it was I know he's sick. But like I said,
6 I don't know much about drugs, but I just
7 had this feeling that one of these days
8 somebody is going to OD in our jail slowly.

9 MR. FRAZIER: Yeah.

10 MS. WATSON: Like their kidneys
11 are going to shut down. And -- ooh. And I
12 kept saying, you know, they've -- I forget
13 who said he's fine. But, you know, they
14 had seen his head move, but these legs
15 stayed like this forever.

16 MR. FRAZIER: Uh-huh.

17 MS. WATSON: And I thought, you
18 know, that's just not natural, and so we
19 called for medical. Ellen came back in
20 main control, went and washed her hands and
21 came out -- came up to me and says, well --
22 and this should be on camera, too -- he's
23 showing resistance.

24 MR. FRAZIER: Right.

25 MS. WATSON: And I was like

1 what do you mean? She says, well, if I
2 push on him, he pushes back. So he's
3 showing resistance. And I said, yeah, but
4 -- something about his legs not moving.
5 I'm concerned.

6 MR. FRAZIER: Right.

7 MS. WATSON: And then I kept --
8 I really blowed up the screen at this time
9 and started watching him. And I told Val
10 -- I said, hey, Val come here. I said,
11 something just ain't right. I said, he's
12 been in this position too long, even though
13 his head moved. So this time she called
14 medical, and that's about when they went
15 down there and -- you know, I think he was
16 out like 11:50 something so --

17 MR. FRAZIER: Yeah.

18 MS. WATSON: -- from 7:00 to
19 11:50.

20 MR. FRAZIER: Okay. So...

21 MS. WATSON: That's
22 four-and-a-half, five hours.

23 MR. FRAZIER: Okay. You've got
24 another one here at 10:20. So they were --
25 they were in here?

1 Q -- he was released or at least his
2 --

3 A No.

4 Q -- his death was called?

5 A You're putting words in my mouth.
6 There's no way I would feel that way.

7 Q You understand at the time that
8 they checked on him, they couldn't even get
9 a oxygen level? The time that they checked
10 on him in the jail cell that you were
11 monitoring, did you know that he was cold
12 to the touch and that they couldn't even
13 get an oxygen reading?

14 A That's when I was calling every 15,
15 20 minutes.

16 Q Calling who every 15, 20 minutes?

17 A To go back there and check on him.

18 Q Who?

19 A It was Ellen, I think. Wait. It
20 was Rachael, Kelcey. I can't remember who
21 else.

22 Q And would they not do -- would they
23 not go check on him?

24 A I think they were back there. I
25 mean, I know they were back there.

1 Somebody was there.

2 Q And did they tell you, oh, we just
3 checked his oxygen levels and --

4 A Oh --

5 Q -- we can even read it?

6 A -- that, no, no, they didn't tell
7 me that.

8 Q Did they tell you that he was
9 combative and that he was pushing back?

10 A No, they didn't say he was
11 combative.

12 Q Or he was resisting?

13 A No.

14 Q Okay. Did they ever tell you why
15 they were unable to get his vitals?

16 A No, sir.

17 Q It sounds like there was a period
18 of time that the jail staff were asking you
19 to document cell checks that were not
20 happening. Was that going on?

21 A It might have been --

22 Q Okay.

23 A -- at that time.

24 Q For how long did that go on for?
25 Can you give me your best estimate?

1 Frazier and watched the video?

2 MR. ARTUS: Object to the form.

3 Q (By Mr. Smolen) Do you think
4 that's a possibility?

5 A No. Probably workers. Because you
6 find out more stuff from workers than you
7 do from --

8 Q Okay.

9 A -- anyone else.

10 Q You think you got it from some --
11 one of your coworkers?

12 A Correct.

13 Q Okay. How did that make you feel
14 when you found out that he had died as a
15 result of complications related to his
16 diabetes?

17 A Well, awful, you know. I still
18 feel awful.

19 Q Did you ever have an opportunity to
20 train with any medical staff about what you
21 should be looking for as a jailer?

22 A (Moving head side to side)

23 Q I can't hear you.

24 A No, sir.

25 Q Did anyone at all take any kind of

1 steps like that to make sure you could at
2 least understand basic medical things to
3 observe?

4 A I don't think so.

5 Q That's consistent with what other
6 jailers have testified to. I just want to
7 make sure that your experience wasn't
8 different?

9 MR. ARTUS: Object to the form.

10 Q (By Mr. Smolen) It sounds like
11 it's pretty consistent with the other
12 people's testimony that, as far as it
13 pertained to identifying any kind of
14 emergent medical conditions, there was no
15 training on that issue?

16 A Not that I recall, no.

17 Q Okay. Do you think some -- maybe
18 -- maybe you should have done something
19 better over that 48-hour period, but -- but
20 do you believe that other employees that
21 worked at the Muskogee County Sheriff's
22 Office should have handled the situation
23 differently?

24 MR. ARTUS: Object to the form.

25 Q (By Mr. Smolen) I've got to get a